IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.378 OF 1997

Siemens Limited)
Kalwe Works, Thane Belapur Road)
Kalwe, Thane 400 601.).. PETITIONER

VERSUS

1) All India Siemens Employees Union)
Block No.4, Matruchaya, Vajreshwari)
Wadi, Veer Savarkar Marg, Dadar)
Mumbai 400 028.)

2) Siemens Workers Union)
A Trade Union registered under the)
Trade Unions Act, 1926 having its)
Registered Office at Gautam Arcade)
Basement No.1, Raut Road, Near)
Daulat Nagar, Kopri Village)
Thane (East)-400 602.)

3) Shri A.L. Alaspurkar, Member,)
Industrial Court, Meher Traders)
Wagle Estate, Road No.21, Thane.).. RESPONDENTS

Mr.P.K.Rele with Mr.P.N.Anaokar, Mr.V.N.Tayade and Mr.Piyush Shah i/b.Suresh Pakale for the Petitioner.

None present for Respondent Nos.1 and 2.

Respondent No.3 formal party.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 29TH MARCH 2005

ORAL JUDGMENT : (PER MHATRE, J.)

. Complaint (ULP) No.586 of 1995 was filed by All India Siemens Employees Union-Respondent No.1 herein, against the Petitioner under Items 1(a), (b), 2(b), 4 of Schedule II and Items 5, 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter

referred to as "the Act"). The grievance in the Complaint was that the Petitioner Company was not discussing aspects with regard to Charter of Demands, Bonus, Service Conditions, etc. with the said Union and were discussing these issues only with the other Union functioning in the Company i.e. Siemens Workers Union-Respondent No.2 herein. The Industrial Court has dismissed the Complaint under Items 1(a), (b) and 4 of Schedule II and Items 5, 9 and 10 of Schedule IV of the Act. However, in respect of Item 2(b) of Schedule II of the Act, the Industrial Court, after declaring that there is an unfair labour practice committed by the Petitioner under that Item, has directed the Petitioner Company to give equal treatment to both the Unions and the workers represented by both the Unions.

2. Subsequent Settlements have been signed by the Petitioner Company with the All India Siemens Employees' Union and Siemens Workers' Union. These Settlements are signed with the respective Unions in the years 2002 and 2000 under Section 2(p) read with Section 18(1) of the Industrial Disputes Act, 1947. In such circumstances, no purpose would be served by deciding whether the impugned order is legal and valid. However, the observations made by the Industrial Court, Thane in the impugned order dated 7th January 1997 in Complaint (ULP) No.586 of 1995 may be questioned by the Petitioner Company, if necessary, at a later date.

3. Writ Petition disposed of accordingly. Rule discharged. No order as to costs.